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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,336	02/06/2004	Ronald M. Asbach	FSHR074/00US	4506
22903	7590	06/22/2004	EXAMINER	
COOLEY GODWARD LLP ATTN: PATENT GROUP 11951 FREEDOM DRIVE, SUITE 1700 ONE FREEDOM SQUARE- RESTON TOWN CENTER RESTON, VA 20190-5061			WHITE, RODNEY BARNETT	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/772,336

Applicant(s)

ASBACH ET AL.

Examiner

Rodney B. White

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-24 is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 10, 12 and 14-18 is/are rejected.
- 7) ☒ Claim(s) 8, 11 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

### *Claim Rejections - 35 USC § 102*

Claim 16 is objected to because of the following informalities: In claim 16, line 3, should an -- a -- be inserted in front of the word "sensible". Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 6-7, and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ku (U.S. Patent No. 4,699,392).

Ku teaches the structure substantially as claimed including an infant support structure, comprising a base, a frame coupled to the base, said frame including a first

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frame portion and a second frame portion, a seat coupled to the frame for movement relative to the base, the first frame portion being releasably coupled to said seat; and a sensor configured to output a signal associated with a movement of said seat; and an output generating system coupled to said motion sensor and configured to generate a sensible based on the signal (See Abstract and specification), wherein the first frame portion includes a resilient element at least partially supporting said seat.

Claims 1, 3, 6-7, and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Gubitosi et al (U.S. Patent No. 6,540,579 B1).

Gubitosi et al teaches the structure substantially as claimed including an infant support structure, comprising a base, a frame coupled to the base, said frame including a first frame portion and a second frame portion, a seat coupled to the frame for movement relative to the base, the first frame portion being releasably coupled to said seat; and a sensor configured to output a signal associated with a movement of said seat; and an output generating system coupled to said motion sensor and configured to generate a sensible based on the signal (See Abstract and specification), wherein the first frame portion includes a resilient element at least partially supporting said seat.

Claims 14-15 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Peltier (U.S. Patent No. 2,282,086).

See Figures 1-4. There are front and rear supports 12,13 are pivotably couple to the base. The "infant support" is looped around at 9 to the front and rear supports and is therefore releasable coupled to the front support and pivotal coupled to the rear support

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ku in view of Tukai (U.S. Patent No. 4,171,847) and Takeuchi (U.S. Patent No. 4,225,146).

Ku teaches the structure substantially as claimed but does not teach that the walker is collapsible. However, Tukai and Takeuchi teach alternative conventional methods of collapsing baby walkers to be old. It would have been obvious and well within the level of ordinary skill in the art to modify the walker, as taught by Ku, to include a collapsible frame, as taught by Tukai and Takeuchi, since it would allow for easier storage and transport of the walker.

Claim 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Peltier in view of Ku.

Peltier teaches the structure substantially as claimed but does not teach the output generating system and motion sensor. However, Ku teaches structures to be old. It would have been obvious and well within the level of ordinary skill in the art to modify the walker, as taught by Peltier, to include an output generating system and

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motion sensor, as taught by Ku, since it would alert parents or care givers of possible dangerous situations an infant has gotten himself into.

Claims 8, 11, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 19-24 are allowed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references cited on the Form PTO-892 and not used in the rejection teach various walkers.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (703) 308-2276.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney B. White,  
Patent Examiner  
Art Unit 3636  
June 14, 2004



Rodney B. White  
Patent Examiner